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SUBJECT: KENYA POLICE: REFORMS APLENTY, BUT PERFORMANCE LAGS

REF: A. NAIROBI 01926

[1](#)B. NAIROBI 02215

[1](#)1. (SBU) Summary: The Kibaki administration has implemented significant reforms of the Kenya Police Service and greatly increased its resources. The worst police abuses of the Moi-era have been eradicated. However, reforms and increased resources have not yet yielded a dramatic rise in police effectiveness. Public anger over persistent high rates of violent crime remains a top election issue in Kenya. End Summary.

Background: Kenya Police Service & Administration Police

[1](#)2. (U) The Kenya Police Service (KPS) is older than Kenya itself. KPS traces its lineage to the private security guard force formed in 1887 to protect warehouses in Mombasa owned by the Imperial British East Africa Company. These security guards later formed the nucleus of a police force under the British East African Protectorate, established in 1895. The force policed urban areas and protected railway installations and railway workers. Kenyan police fought alongside Kenyan soldiers in both World War I (against German Tanganyika) and World War II (against Italian Somaliland and Italian-occupied Ethiopia). Today the force numbers about 40,000 officers, divided into ten functional units and distributed throughout the country's eight provinces. Among the most important units are the Anti-Terrorism Police Unit (Kenya's Muslim organizations regularly call for its disbandment), General Services Unit (GSU -- paramilitary police, once notorious as brutal enforcers for KANU, the former ruling party), Criminal Investigation Department (CID), Airport Police, Traffic Police (worst reputation for corruption of all units), Anti-Stock Theft (responsible for curbing cattle rustling in pastoral areas), Tourism Police, the Diplomatic Police (operational, but not formally established in law), and the recently upgraded with U.S. assistance Marine Police Unit (MPU).

[1](#)3. (SBU) The KPS is headed by the Commissioner of Police (CP), who is appointed directly by the President without consultation with the legislature. The incumbent, Major-General Hussein Ali, is an ethnic Somali appointed by President Kibaki in 2004. His appointment caused some consternation among senior KPS officers who resented an army general being placed in command over them. (Since he assumed the post, Ali was promoted from Brigadier-General to Major-General, indicating he continues to enjoy strong support within the military.) Ali is known for a very brusque style. He has publicly castigated KPS as dysfunctional and expressed his intent to reform it. He does not consult with senior KPS officers. He has alienated major security sector donors (UK officials refuse to work with him). Ali is strongly supported by Kenya's first lady, Lucy Kibaki. For policy coordination purposes, the CP reports to the Minister of State for Internal Security and Provincial Administration in the Office of the President. However, Ali is known to insist strongly that he answers only to the President.

[1](#)4. (U) The Administration Police (AP) is an entirely separate civilian security service from KPS. Its origins lie in the colonial-era Tribal Police. While KPS secured the railway

routes, urban centers and settler-populated areas, the tribal police enforced often unpopular colonial laws in "native areas," providing the muscle behind British-appointed "village headmen." Today, the AP numbers about 18,000. It is deployed in every administrative center in the country, but is concentrated in frontier districts, especially along the insecure Somali, Ethiopian and Sudanese borders. The AP is directly under the control of the Minister for Internal Security and Provincial Administration. The AP exists to enforce the rule of the central government-appointed Provincial Commissioners and the District Commissioners who serve under them. Their tasks include border security, VIP protection, guarding government installations, anti-banditry patrols in sparsely populated regions and quelling violence between warring communities. They have a paramilitary structure and training regime. AP officers have arrest authority but no detention or prosecution authority. AP

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officers make arrests and then hand over suspects to KPS. This report focuses on the KPS rather than the AP.

Police Status When Kibaki Government Came to Power

15. (U) In early 2003 the Kibaki administration inherited from the Moi regime a corrupt, inefficient and thoroughly politicized KPS and an AP in only slightly better shape. Public opinion polls regularly listed KPS as the most corrupt institution in Kenya (although the judiciary was not far behind). The AP got higher marks. Kenyan victims of violent criminal attacks feared to report incidents to the police. Those who did often found that the predatory attentions of the police exacerbated the original crime. KPS's major problems included:

-- Poor infrastructure: Decrepit offices and police barracks built in the 1960s with little or no subsequent maintenance. Three families crowded into a tiny apartment. No housing at all for KPS officers assigned to rural Kenya.

-- Low Pay: Pay for rank & file officers well below a living wage, an open invitation to corruption.

-- Insufficient numbers: UNDP recommends a ratio of one police officer for every 400 citizens. In 2003, the ratio in Kenya was 1:900.

-- Politicization: The police (especially the GSU), were openly used by the Moi regime to harass, intimidate, torture and kill political opponents (as documented in our human rights reports from the era). Moi's allies in government and business were not simply above the law, they were able to direct police to act against their political or commercial rivals. (NOTE: The worst human rights abuses under the Moi regime were committed by the Special Branch, whose members were drawn from KPS, though Special Branch was not a formal unit of KPS. The Kibaki government disbanded the Special Branch and replaced it with a professional intelligence organization.)

-- Poor Command & Control: A politically well-connected policeman could have considerably more effective power than his commander. Commanders could be overruled at any time by politicians and their friends. Well-connected subordinates could arrange transfers and promotions without the knowledge of their superiors.

-- Poor professional standards, lack of training and skills, lack of equipment.

-- Poor Community Relations: The public avoided the police, who were regarded as "thieves in uniform."

-- Criminal Activities: Police were widely known to moonlight as robbers and to rent out their weapons to robbers in return for a fee and a share of the loot.

16. (SBU) Some of the ills of KPS are due to colonial era policies that the leadership of independent Kenya opted to retain. The British maintained a policy of not assigning police to their home areas and of rotating police every few years. It was believed (with good reason) that a Kikuyu policeman might refuse to evict fellow Kikuyu from their lands or to enforce the hated "hut tax" on them. However, the same policeman could be reasonably expected to do so enthusiastically as regards Maasai, for example. A policeman assigned to the same area for a prolonged period, it was thought, was likely to form local relationships that would inhibit effective enforcement of colonial policy. The result of these policies is a force that is alienated from the public it is to serve. Police are often unaware of and unconcerned about local customs and personalities. This has been a major issue between the police and the Muslim

community on the coast.

#### Police Reforms & Increased Resources

17. (SBU) In 2003 the Kibaki administration drafted an ambitious four-year strategic action plan to address these

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issues. Some of the reforms achieved to date include:

-- Introduction of a mission statement and change of name to emphasize service to the public over enforcing government policy on the public. The Kenya Police Force became the Kenya Police Service.

-- Some infrastructure improvements to existing barracks and stations, expansion of new facilities in underserved regions. While progress has been achieved, there is still much to do in this regard.

-- Increase in pay. Police pay increased in 2003 by 120%. Police salaries are now sufficient to earn entry into the lower middle class.

-- Recruitment and promotion processes were reformed after a scandal in 2005 that resulted in the cancellation of a training class and the dismissal of police officials deemed guilty of irregular recruitment. The new system has not generated complaints, which is rare in often contentious Kenyan society. Numbers have increased such that the present police to population ratio is 1:530 (down from 1:900).

-- Training has been enhanced (an INL official recently visited the training center and was positively impressed). There has been an increased adherence to mandatory retirement rules and an increase in discharging officers for bad behavior. These moves allow newly recruited, better educated and better trained officers to make up an ever larger percentage of the force. That said, one senior police official lamented to PolCouns "we still have a lot of deadwood on our hands."

-- Communications equipment and vehicles are more available than in the past. A new electronic fingerprint identification system has been installed at CID headquarters. Some crucial security equipment is lacking. This explains the Internal Security Minister's recent lobbying for USG support in this regard (ref A).

-- Improved community relations through the introduction of community policing policies. KPS and AP have established websites and launched information campaigns to promote the public's cooperation in solving crimes. Outreach programs seek to overcome the public's traditional fear and loathing of the police. Community policing concepts did not exist in Kenya prior to 2003.

18. (SBU) In addition to these reforms and resource increases, Ali has successfully shielded KPS from the incessant political interference that had plagued it during the Moi years. CP Ali jealously and aggressively defends his prerogatives and control of the KPS. While we believe Ali is likely to use KPS to support the government's political objectives to some extent when directly asked to do so by the President, he is not willing to see members of parliament and party financiers routinely treating the police as their own private security force, as was formerly their practice. The KPS today is much less politicized than it was under Moi. The GSU in particular is beginning to lose its notoriety as a ruling party goon squad. However, this new found institutional autonomy is wholly dependent on the person of CP Ali. His drive to reduce the scope of individuals outside KPS influencing operations extends to security sector donors, such as the UK and the U.S. Security consultations and cooperation with Ali can be very difficult.

19. (SBU) Similarly, CP Ali has taken personal control over all promotions and transfers to ensure advancement for those who abide by his policies, to relegate to backwaters those who do not and to eliminate outside influence. He has also improved command and control by increasing service discipline (including mass firings of dozens of traffic police at a time when captured on video taking bribes). However, again, these actions are not institutionalized. There is no guarantee that the next CP will be equally vigorous in defending KPS autonomy and promoting service discipline.

10. (SBU) While progress on the reform program has been

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achieved, the reforms have not yet translated into a dramatic rise in effectiveness. Fear of violent crime is still the number one political issue on the minds of Kenyan voters. Elements of the police are credibly linked with large criminal organizations (ref B), narcotraffickers and gun smugglers. Ali's abrasive style has alienated would-be allies in the donor community. His extreme aversion to sharing authority with others sank an attempt to establish a U.S.-funded joint anti-terrorism task force in 2005. While a reformer brought in from outside could not be expected to be loved by senior KPS officers, Ali often goes out of his way to insult and provoke them. KPS officers then retaliate through attempts to sabotage Ali's initiatives. Ali has shown no interest in scrapping colonial era policies that prevent police from serving their home communities. The rate of police rotations has significantly increased under his leadership.

#### Prospects for Further Reforms & Resource Increases

11. (SBU) The Kibaki administration's most recent budget (ref C) includes a very hefty increase in police funding, including the recruitment of another 25,000 officers, producing a population to police ratio of 1:450. Ali recently weathered a storm of protests against his leadership from a public, media and diplomatic community enraged by a spate of grisly and brazen murders. It appears his place is secure. He is on track to become one of Kenya's longest serving CPs. In the meantime, we and the Kenyan public await the day when his reforms begin to yield a dramatic rise in police effectiveness against the perpetrators of violent crime. Police responsiveness, crime scene security, investigatory prowess, and integrity (especially among traffic police) remain far from sufficient to meet the security needs of Kenyans.

SLUTZ